

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the proposed)
amendment of ARM 4.17.102 relating to) NOTICE OF PUBLIC HEARING ON
the organic program) PROPOSED AMENDMENT

TO: All Concerned Persons

1. On August 21, 2008, at 10:00 a.m. the Montana Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, 303 N. Roberts at Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on August 14, 2008, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Phone: (406) 444-3144; Fax: (406) 444-5409; or e-mail: agr@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

4.17.102 ADOPTION OF ORGANIC PROGRAM REGULATIONS (1) The department adopts and incorporates by reference the following parts of the United States Department of Agriculture (USDA) National Organic Program (NOP) final rule, Title 7, Part 205, Code of Federal Regulations (CFR) adopted December 21, 2000, ~~as amended at 68 FR 61987-61993, October 31, 2003; 68 FR 62215-62218, November 3, 2003; 70 FR 29579, May 24, 2005; 70 FR 61217-61219, October 21, 2005; 71 FR 32803-32807, June 7, 2006; and 71 FR 53299-53303, September 11, 2006;~~ Future editions will be specifically adopted as they become applicable.

(1)(a) through (a)(v) remain the same.

(2) The department adopts and incorporates by reference the European Council Regulation (~~EEC or EC~~) Number 2092/91 834/2007, as adopted June 24, 1991 28, 2007. ~~and amended as follows:~~ Future editions will be specifically adopted as they become applicable.

~~EEC 1535/92, June 15, 1992~~

~~EC 331/2000, December 17, 1999~~

~~EEC 2083/92, July 14, 1992~~

~~EC 1073/2000, May 19, 2000~~

~~EEC 207/93, January 29, 1993~~

~~EC 1437/2000, June 30, 2000~~

~~EEC 2608/93, September 23, 1993~~

~~EC 2020/2000, September 25, 2000~~

~~EC 468/94, March 2, 1994~~

~~EC 436/2001, March 2, 2001~~

~~EC 1468/94, June 20, 1994~~

~~EC 2491/2001, December 19, 2001~~

~~EC 2381/94, September 30, 1994~~

~~EC 473/2002, March 15, 2002~~

~~EC 1201/95, May 29, 1995~~

~~EC 223/2003, February 5, 2003~~

~~EC 1202/95, May 29, 1995~~

~~EC 599/2003, April 1, 2003~~

~~EC 1935/95, June 22, 1995~~

~~EC 418/96, March 7, 1996~~

~~EC 1488/97, July 29, 1997~~

~~EC 1900/98, September 4, 1998~~

~~EC 330/99, February 12, 1999~~

~~EC 1804/99, July 19, 1999~~

~~EC 806/2003, April 14, 2003~~

~~EC 2277/2003, December 22, 2003~~

~~EC 392/2004, February 24, 2004~~

~~EC 746/2004, April 22, 2004~~

~~EC 779/2004, April 26, 2004~~

(2)(a) remains the same.

(3) ~~Federal regulations~~ Regulations adopted by reference are effective as Montana law. A copy of these regulations may be obtained from the Montana Department of Agriculture, 303 N. Roberts, P.O. Box 200201, Helena, MT 59620-0201.

(4) remains the same.

AUTH: 80-11-601, MCA

IMP: 80-11-601, MCA

REASON: The underlying USDA and EU regulations have been changed. We are obligated, under terms of our accreditations, to certify to the current regulations.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov. Any comments must be received no later than August 28, 2008.

5. The Department of Agriculture maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

6. An electronic copy of this Notice of Proposed Amendment is available through the department's web site at www.agr.mt.gov, under the Administrative Rules section. The department strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons

should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

7. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified on April 15, 2008 by regular mail. For previous rule projects involving the same bill, the primary sponsor was given appropriate notice.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong
Ron de Yong, Director

/s/ Cort Jensen
Cort Jensen, Rule Reviewer

Certified to the Secretary of State, July 21, 2008.